

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**MICHAEL WAYNE MITCHELL**

**PLAINTIFF**

**VERSUS**

**CIVIL ACTION NO. 1:06cv57LG-RHW**

**CHRISTOPHER EPPS, ET AL.**

**DEFENDANTS**

**FINAL JUDGMENT**

This matter is before the Court on submission of the Report and Recommendation of United States Magistrate Robert H. Walker [40-1] entered in this cause on September 1, 2006. The Court, having adopted said Report and Recommendation as the finding of this Court by Memorandum Opinion and Order entered this date, finds that this matter should be dismissed for failure to prosecute. Accordingly,

**IT IS ORDERED AND ADJUDGED** that this matter be, and is hereby, dismissed without prejudice.

**SO ORDERED AND ADJUDGED** this the 19<sup>th</sup> day of September, 2006.

s/ *Louis Guirola, Jr.*  
LOUIS GUIROLA, JR.  
UNITED STATES DISTRICT JUDGE